



Patent Docket No.: 9045-2CT

J. Hayes
#7 Reconsider
8/22/00
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of Barry et al.

Examiner: J. Hayes

Serial No.: 09/523,532

Group Art Unit: 2761

Filed: March 10, 2000

For: *SYSTEMS, METHODS AND COMPUTER PROGRAM PRODUCTS FOR
GUIDING THE SELECTION OF THERAPEUTIC TREATMENT REGIMENS*

Date: August 2, 2000

Commissioner for Patents
Washington, D.C. 20231

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PRELIMINARY AMENDMENT

Sir:

REMARKS

This is in Response to the Official Action of July 7, 2000 in the above-referenced case.

It is noted that claims 5, 28, and 51 are deemed withdrawn from consideration, but are otherwise deemed pending. It is noted that claims 5, 28, and 51 were canceled in the Preliminary Amendment dated March 10, 2000. Accordingly, it is respectfully requested that this cancellation now be entered or that claims 5, 28, and 51 be canceled by Examiners' Amendment to simplify the issues.

All claims stand rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 6,081,786. A Terminal Disclaimer under 37 CFR § 1.321(c) is accordingly submitted concurrently herewith. It is respectfully submitted that this Terminal Disclaimer obviates the double patenting rejections, and that these rejections may now be withdrawn.

An Information Disclosure Statement is submitted concurrently herewith to make of record the Miller and Gardner reference. This reference was submitted by Applicants in the parent case and of record therein, but was not applied in the Official Actions, is not considered particularly relevant, and is here submitted only to complete the record.